

**Rule 3.106            Procedures Regarding Orders for the Seizure of  
Property and Orders of Eviction**

- (A) Scope of Rule. This rule applies to orders for the seizure of property and orders of eviction.
- (B) Persons Who May Seize Property or Conduct Evictions. The persons who may seize property or conduct evictions are those persons named in MCR 2.103(B), and they are subject to the provisions of this rule unless a provision or a statute specifies otherwise.
  - (1) A court may provide that property shall be seized and evictions conducted only by
    - (a) court officers and bailiffs serving that court;
    - (b) sheriffs and deputy sheriffs;
    - (c) officers of the Department of State Police in an action in which the state is a party; and
    - (d) police officers of an incorporated city or village in an action in which the city or village is a party.
  - (2) Each court must post, in a public place at the court, a list of those persons who are serving as court officers or bailiffs. The court must provide the State Court Administrative Office with a copy of the list, and must notify the State Court Administrative Office of any changes.
- (C) Appointment of Court Officers. Court officers may be appointed by a court for a term not to exceed 2 years.
  - (1) The appointment shall be made by the chief judge. Two or more chief judges may jointly appoint court officers for their respective courts.
  - (2) The appointing court must specify the nature of the court officer's employment relationship at the time of appointment.
  - (3) The appointing court must maintain a copy of each court officer's application, as required by the State Court Administrative Office.
  - (4) The State Court Administrative Office shall develop a procedure for the appointment and supervision of court

officers, including a model application form.  
Considerations shall include, but are not limited to,  
an applicant's character, experience, and references.

(D) Conditions of Service as a Court Officer or Bailiff. Court officers and bailiffs must

- (1) post a surety bond pursuant to MCR 8.204;
- (2) provide the names and addresses of all financial institutions in which they deposit funds obtained under this rule, and the respective account numbers; and
- (3) provide the names and address of those persons who regularly provide services to them in the seizure of property or evictions.

(E) Forms. The State Court Administrative Office shall publish forms approved for use with regard to the procedures described in this rule.

(F) Procedures Generally.

- (1) All persons specified in MCR 2.103(B) must carry and display identification authorized by the court or the agency that they serve.
- (2) A copy of the order for seizure of property or eviction shall be served on the defendant or the defendant's agent, or left or posted on the premises in a conspicuous place. If property is seized from any other location, a copy of the order shall be mailed to the defendant's last known address.

(G) Procedures Regarding Orders for Seizure of Property.

- (1) Orders for seizure of property shall be issued pursuant to statute and endorsed upon receipt.
- (2) No funds may be collected pursuant to an order for seizure of property prior to service under subrule (F)(2).
- (3) An inventory and receipt shall be prepared upon seizure of property or payment of funds.
  - (a) The original shall be filed with the court within 7 days of the seizure or payment.
  - (b) A copy shall be

- (i) provided to the parties or their respective attorneys or agents and posted on the premises in a conspicuous place; if the property is seized from any other location, a copy shall be mailed to the nonprevailing party's last known address, and
  - (ii) retained by the person who seized the property.
- (4) Property seized shall be disposed of according to law.
- (5) Within 21 days, and as directed by the court, any money that is received shall be paid to the court or deposited in a trust account for payment to the prevailing party or that party's attorney.
- (6) Costs allowed by statute shall be paid according to law.
  - (a) Copies of all bills and receipts for service shall be retained for one year by the person serving the order.
  - (b) Statutory collection fees shall be paid in proportion to the amount received.
  - (c) There shall be no payment except as provided by law.
- (7) Within 14 days after the expiration of the order or satisfaction of judgment, whichever is first, the following shall be filed with the court and a copy provided to the prevailing party or that party's attorney:
  - (a) a report summarizing collection activities, including an accounting of all money or property collected,
  - (b) a report that collection activities will continue pursuant to statute, if applicable, or
  - (c) a report that no collection activity occurred.
- (H) Procedures Regarding Orders of Eviction. Copies of all bills and receipts for services shall be retained by the person serving the order for one year.